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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/764,874	STEVEN GREENSPAN
	Examiner	Art Unit	
	Miranda Le	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 February 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-19</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-19</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>11/17/2006</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

1.   This communication is responsive to Amendment, filed 02/26/2007.

      Claims 1-19 are pending in this application. This action is made Final.

2.   The objection to the specification (claim objection) of the invention has been withdrawn in view of the amendment.

Information Disclosure Statement

3.   The information disclosure statement filed 11/17/2006 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because information has been made of record in the application. See 1.56(b). It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless:

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section

351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-8, 11-14, 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by

Chack et al. (US Patent No. 6,751,211).

Chack anticipated independent claims 1, 13, 20 by the following:

As per claim 1, Chack teaches method for establishing a plurality of data sharing

connections in a data communication service *(i.e. visual data, col. 2, lines 13-27; URL is*

associated with a second communication medium, col. 2, lines 44-46; multiple callers may view

the same web page, col. 6, lines 11-31) among a plurality of users *(i.e. multiple callers may view*

the same web page, col. 6, lines 11-31) who are concurrently communications on a first

communication service *(i.e. the received transaction is a telephone call, col. 2, lines 39-40; the*

transaction is received on a first communication medium, col. 2, lines 44-46), each user

respectively associated with one member of a plurality of user accounts *(i.e. transaction*

initiator's identity, col. 2, lines 41-43; account information, col. 6, lines 11-31), said data

communication service distinct from the first communication service, and the method comprising

the steps of:

associating a session record *(i.e. database of call initiators, col. 6, lines 11-31)* with at

least two user accounts *(i.e. transaction initiator's identity, col. 2, lines 41-43; account*

information, col. 6, lines 11-31), each user account identifying one member of the plurality of

users *(i.e. multiple callers may view the same web page, col. 6, lines 11-31)* communicating with

one another on said first communication service, the user account selected from the group

consisting of permanent *(i.e. transaction initiator's identity, col. 2, lines 41-43; account*

information, col. 6, lines 11-31) and temporary user account *(i.e. transaction initiator's identity,*

col. 2, lines 41-43; prior purchases information, col. 6, lines 11-31);

identifying said session record for at least one data sharing *(i.e. visual data, col. 2, lines*

13-27; multiple callers may view the same web page, col. 6, lines 11-31; URL is associated with

a second communication medium, col. 2, lines 44-46; Thus, the transaction initiator is able to

communicate with the transaction processing system using both the conventional telephone (for

audible information) and the computer (for visual information), col. 3, lines 31-59) connection

between a software *(i.e. Other embodiments of the invention use a software-based telephone*

implemented by computer 22, thereby eliminating the need for a separate telephone 10, col. 4,

line 65 to col. 5, line 15) process acting in behalf of a terminal device on said data

communication service and a session manager *(i.e. transaction processing system 68, web server*

72, Fig. 3), the association based upon an account identifier *(i.e. call initiator's telephone*

number, and may be unique to the call initiator; customers of an organization, col. 6, lines 11-

31) provided through said software process and corresponding to at least one user of the terminal

(i.e. The present invention is related to a system for communicating information, including visual

data, between two devices or individuals, col. 2, lines 13-27), thereby establishing the data

sharing connections for the at least one software process *(i.e. This additional information can be*

used to select a type or category of web page (e.g., a particular product advertisement or other

information likely to be of interest to the caller). At step 40, the transaction processing system

provides the URL to the telephone call initiator (e.g., via PSTN 12 in FIG. 1), col. 6, lines 11-

31);

associating the session record with information to be conveyed across said data

communication service to the at least one terminal device *(i.e. visual data, col. 2, lines 13-27;*

multiple callers may view the same web page, col. 6, lines 11-31; URL is associated with a

second communication medium, col. 2, lines 44-46; Thus, the transaction initiator is able to

communicate with the transaction processing system using both the conventional telephone (for

audible information) and the computer (for visual information), col. 3, lines 31-59);

sending the information *(i.e. audible information, col. 3, lines 31-59)* over the at least one

data sharing connection, each connection associated with said session record *(i.e. visual data,*

col. 2, lines 13-27; multiple callers may view the same web page, col. 6, lines 11-31; URL is

associated with a second communication medium, col. 2, lines 44-46; Thus, the transaction

initiator is able to communicate with the transaction processing system using both the

conventional telephone (for audible information) and the computer (for visual information), col.

3, lines 31-59);

whereby a plurality of users will receive the information sent by at least one user over the

data communication service *(i.e. audible information, col. 3, lines 31-59)* while they remain

connected to each other on the first communication service *(i.e. visual data, col. 2, lines 13-27;*

multiple callers may view the same web page, col. 6, lines 11-31; URL is associated with a

second communication medium, col. 2, lines 44-46; Thus, the transaction initiator is able to

communicate with the transaction processing system using both the conventional telephone (for

audible information) and the computer (for visual information), col. 3, lines 31-59).

As per claim 13, Chack teaches a system for sharing information on a data

communication network *(i.e. visual data, col. 2, lines 13-27; URL is associated with a second*

communication medium, col. 2, lines 44-46; multiple callers may view the same web page, col.

6, lines 11-31) based on concurrent connection among a plurality of users communicating with

one another on a first communication network *(i.e. the received transaction is a telephone call,*

col. 2, lines 39-40; the transaction is received on a first communication medium, col. 2, lines 44-

46), the data communication network distinct from the first communication network, comprising:

a) a plurality of terminal devices *(i.e. A computer 22 is coupled to network 20 and*

telephone 10. The coupling between computer 22 and telephone 10 may be a physical connection

(e.g., a serial communication link) or a logical connection (e.g., through a common interface

device coupled to telephone 10, computer 22, and network 20). Computer 22 is capable of

communicating information across network 20 and communicating with telephone 10, col. 4, line

65 to col. 5, line 14) for retrieving multimedia information from a plurality of information

sources on said data communication network *(i.e. The present invention is related to a system for*

communicating information, including visual data, between two devices or individuals, col. 2,

lines 13-27),

b) account management means *(i.e. transaction processing system 68, web server 72, Fig.*

3) for determining a user account *(i.e. transaction initiator's identity, col. 2, lines 41-43; account*

information, col. 6, lines 11-31) for each of the at least two members of said plurality of users

who are communicating with one another on the first communication network, the user account

selected from a group consisting of permanent *(i.e. transaction initiator's identity, col. 2, lines*

41-43; account information, col. 6, lines 11-31) and temporary user accounts *(i.e. transaction*

initiator's identity, col. 2, lines 41-43; prior purchases information, col. 6, lines 11-31);

c) first means *(i.e. transaction processing system 68, web server 72, Fig. 3)* for

associating a session identifier *(i.e. a particular call initiator, col. 6, lines 11-31)* with the at least

two user accounts *(i.e. visual data, col. 2, lines 13-27; multiple callers may view the same web

page, col. 6, lines 11-31; URL is associated with a second communication medium, col. 2, lines

44-46; Thus, the transaction initiator is able to communicate with the transaction processing

system using both the conventional telephone (for audible information) and the computer (for

visual information), col. 3, lines 31-59)*, each user account identified by a user account identifier

*(i.e. call initiator's telephone number, and may be unique to the call initiator; customers of an

organization, col. 6, lines 11-31)*;

d) terminal software means for establishing a connection on a data communication

network between at least one terminal device and a session manager *(i.e. transaction processing

system 68, web server 72, Fig. 3)*, said connection providing an account identifier *(i.e. call

initiator's telephone number, and may be unique to the call initiator; customers of an

organization, col. 6, lines 11-31)*, thereby establishing session access for the at least one terminal

device *(i.e. Other embodiments of the invention use a software-based telephone implemented by

computer 22, thereby eliminating the need for a separate telephone 10, col. 4, line 65 to col. 5,

line 15)*

e) a second means *(i.e. transaction processing system 68, web server 72, Fig. 3)* for

selecting information to be transmitted on the data communication network *(i.e. visual data, col.

2, lines 13-27; multiple callers may view the same web page, col. 6, lines 11-31; URL is

associated with a second communication medium, col. 2, lines 44-46; Thus, the transaction

initiator is able to communicate with the transaction processing system using both the*

conventional telephone (for audible information) and the computer (for visual information), col. 3, lines 31-59), and

   f) session manager means *(i.e. transaction processing system 68, web server 72, Fig. 3)* for routing the selected information over the data sharing connections to the terminal devices associated with the same session identifier, whereby information can be shared among said plurality users of a data communication network, while the users communicate on the first communication network *(i.e. visual data, col. 2, lines 13-27; multiple callers may view the same web page, col. 6, lines 11-31; URL is associated with a second communication medium, col. 2, lines 44-46; Thus, the transaction initiator is able to communicate with the transaction processing system using both the conventional telephone (for audible information) and the computer (for visual information), col. 3, lines 31-59).*

   As per claim 2, Chack teaches the method of claim 1 further comprising the step of specifying data sharing privileges for the at least two users of said data communication service such that the at least one of the users can send and receive information and the at least one of the other users can only receive information *(i.e. visual data, col. 2, lines 13-27; multiple callers may view the same web page, col. 6, lines 11-31; URL is associated with a second communication medium, col. 2, lines 44-46; Thus, the transaction initiator is able to communicate with the transaction processing system using both the conventional telephone (for audible information) and the computer (for visual information), col. 3, lines 31-59).*

As per claim 3, Chack teaches the method of claim 1 further comprising the step of specifying data sharing attributes for at least one user account of said data communication service such that the information is transformed in accord with said attributes *(i.e. visual data, col. 2, lines 13-27; multiple callers may view the same web page, col. 6, lines 11-31; URL is associated with a second communication medium, col. 2, lines 44-46; Thus, the transaction initiator is able to communicate with the transaction processing system using both the conventional telephone (for audible information) and the computer (for visual information), col. 3, lines 31-59).*

As per claim 4, Chack teaches the method of claim 1 further comprising the step of ending the data sharing connection for the at least one terminal on the data communication service when the user of said terminal is no longer communicating over the first communication service *(i.e. visual data, col. 2, lines 13-27; multiple callers may view the same web page, col. 6, lines 11-31; URL is associated with a second communication medium, col. 2, lines 44-46; Thus, the transaction initiator is able to communicate with the transaction processing system using both the conventional telephone (for audible information) and the computer (for visual information), col. 3, lines 31-59).*

As per claim 5, Chack teaches the method of claim 1 wherein a communication appliance used with the first communication service *(i.e. the received transaction is a telephone call, col. 2, lines 39-40; the transaction is received on a first communication medium, col. 2, lines 44-46)* is distinct and independent of the terminal device used with the data communication

service *(i.e. visual data, col. 2, lines 13-27; URL is associated with a second communication medium, col. 2, lines 44-46; multiple callers may view the same web page, col. 6, lines 11-31).*

As per claim 6, Chack teaches the method of claim 1 wherein the first communication service interconnects a plurality of networks designed for voice communication *(i.e. visual data, col. 2, lines 13-27; multiple callers may view the same web page, col. 6, lines 11-31; URL is associated with a second communication medium, col. 2, lines 44-46; Thus, the transaction initiator is able to communicate with the transaction processing system using both the conventional telephone (for audible information) and the computer (for visual information), col. 3, lines 31-59).*

As per claim 7, Chack teaches the method of claim 1 wherein the data communication service is accessed through a plurality of networks designed for data communication *(i.e. visual data, col. 2, lines 13-27; multiple callers may view the same web page, col. 6, lines 11-31; URL is associated with a second communication medium, col. 2, lines 44-46; Thus, the transaction initiator is able to communicate with the transaction processing system using both the conventional telephone (for audible information) and the computer (for visual information), col. 3, lines 31-59).*

As per claim 8, Chack teaches the method of claim 7 wherein each member of said plurality of networks is selected from the group consisting of television broadcast networks,

wireless packet networks, dial-up data networks, and broadband data networks *(i.e. other*

communication mechanism, col. 4, lines 46-64).

As per claim 11, Chack teaches the method of claim 1 wherein said account identifier is

entered manually through said software process acting on behalf of a terminal on the data

communication service before said software process communicates with the session manager

(i.e. A further embodiment of the invention permits the caller to provide information to the

transaction processing system using the web page. For example, if a user is placed on hold, the

transaction processing system may prompt the user to provide various information (e.g., name,

account number, or the reason for the call) through the web page instead of a keypad. The user

enters information on the web page using a computer keyboard, voice recognition system, or

other user input mechanism. The information provided can be used by the transaction processing

system to route the caller to a particular agent or group of agents that are familiar with the

caller or familiar with the reason for the call, col. 8, lines 33-44).

As per claim 12, Chack teaches the method of claim 1 wherein said user account is

identified by at least one account identifier, said account identifier formed by combining

components selected from the group containing telephone numbers, email addresses, instant

messaging addresses, account logins, geographic addresses, personal identification numbers,

spoken utterances, handwriting, and biometric characteristics *(i.e. A further embodiment of the*

invention permits the caller to provide information to the transaction processing system using

the web page. For example, if a user is placed on hold, the transaction processing system may

prompt the user to provide various information (e.g., name, account number, or the reason for

the call) through the web page instead of a keypad. The user enters information on the web page

using a computer keyboard, voice recognition system, or other user input mechanism. The

information provided can be used by the transaction processing system to route the caller to a

particular agent or group of agents that are familiar with the caller or familiar with the reason

for the call, col. 8, lines 33-44).

As per claim 14, Chack teaches the method of claim 13 wherein at least one user of said

plurality of users is an automated interactive response system, responsive to an input signal form

at least one human user communicating over the first communication network *(i.e. the received*

transaction is a telephone call, col. 2, lines 39-40; the transaction is received on a first

communication medium, col. 2, lines 44-46) and the interactive response device sending

responses to the at least one human user over the data communication network *(i.e. visual data,*

col. 2, lines 13-27; URL is associated with a second communication medium, col. 2, lines 44-46;

multiple callers may view the same web page, col. 6, lines 11-31).

As per claim 16, Chack teaches the method of claim 13 further comprising a means for

de-activating the session identifier after each of the users of the plurality of users *(i.e. log out,*

col. 11, line 62 to col. 12, line 64) associated with the session identifier have terminated their

respective connections on the first communication service *(i.e. A further embodiment of the*

invention permits the caller to provide information to the transaction processing system using

the web page. For example, if a user is placed on hold, the transaction processing system may

prompt the user to provide various information (e.g., name, account number, or the reason for

the call) through the web page instead of a keypad. The user enters information on the web page

using a computer keyboard, voice recognition system, or other user input mechanism. The

information provided can be used by the transaction processing system to route the caller to a

particular agent or group of agents that are familiar with the caller or familiar with the reason

for the call, col. 8, lines 33-44).

As per claim 17, Chack teaches the method of claim 16 further comprising a means of

providing access to a history of the information shared *(i.e. The organization maintains a table of*

such customers based on the customer's telephone number, account number, or other identifying

information. If the transaction processing system receives a call from a customer listed in the

table, then the transaction processing system automatically provides a URL to the customer.

Thus, the customer does not need to request a URL each time a call is placed to the organization,

col. 7, lines 9-24), the history comprising instructions for retrieving the information shared over

the data communication service *(i.e. This database may contain additional information about a*

particular call initiator, such as account information or prior purchases. This additional

information can be used to select a type or category of web page (e.g., a particular product

advertisement or other information likely to be of interest to the caller). At step 40, the

transaction processing system provides the URL to the telephone call initiator (e.g., via PSTN 12

in FIG. 1), col. 6, lines 11-31).

As per claim 18, Chack teaches the method of claim 16 further comprising means for re-activating the session identifier when at least two users of the plurality of users associated with the de-activated session identifier have re-established communication through the first communication service, each user identifying a user account that was associated with the de-activated session identifier *(i.e. The organization maintains a table of such customers based on the customer's telephone number, account number, or other identifying information. If the transaction processing system receives a call from a customer listed in the table, then the transaction processing system automatically provides a URL to the customer. Thus, the customer does not need to request a URL each time a call is placed to the organization, col. 7, lines 9-24).*

As per claim 19, Chack teaches the method of claim 13 wherein means for selecting the data to be shared is a plurality of software algorithms executing on a computer processor *(i.e. The organization maintains a table of such customers based on the customer's telephone number, account number, or other identifying information. If the transaction processing system receives a call from a customer listed in the table, then the transaction processing system automatically provides a URL to the customer. Thus, the customer does not need to request a URL each time a call is placed to the organization, col. 7, lines 9-24).*

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7.   Claims 9, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chack et al.

(US Patent No. 6,751,211), in view of Moynihan et al. (US Pub. No. 20020056119).

As per claim 9, Chack does not teach the method of claim 7 wherein the data

communication service is a television narrowcast service transmitting signals for display on a

television a over a digital network selected from the group consisting of a plurality of cable

networks, satellite television networks, and low power wireless television networks.

Moynihan teaches a television narrowcast service transmitting signals for display on a

television a over a digital network selected from the group consisting of a plurality of cable

networks, satellite television networks, and low power wireless television networks *(or*

narrowcast, [0014]).

It would have been obvious to one of ordinary skill of the art having the teaching of

Chack and Moynihan at the time the invention was made to modify the system of Chack to

include a television narrowcast service transmitting signals for display on a television a over a

digital network selected from the group consisting of a plurality of cable networks, satellite

television networks, and low power wireless television networks as taught by Moynihan. One of

ordinary skill in the art would be motivated to make this combination in order to allowing the

producer to edit and market the original content in view of Moynihan, as doing so would give the

added benefit of being enable the owner of the intellectual property to protect it through a

password and thus earn a return on the original production costs as taught by Moynihan *([0014])*.

As per claim 10, Moynihan the method of claim 9 wherein said account identifier is

automatically provided through the data communication service when the television is tuned *(i.e.*

to search for channels, [0036]) to a specific channel *(i.e. Personal Video Channels, [0015])*.

7.   Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chack et al. (US

Patent No. 6,751,211), in view of Stephens et al. (US Patent No. 7,023,465).

As per claim 15, Chack does not teach the method of claim 13 further comprising a

means for specifying bandwidth and display parameters for at least one terminal device of said

plurality of terminal devices so that the shared information is displayed appropriately on the at

least one terminal device.

Stephens teaches a means for specifying bandwidth and display parameters for at least

one terminal device of said plurality of terminal devices so that the shared information is

displayed appropriately on the at least one terminal device *(i.e. 348 Kpbs, 768 Kpbs, col. 6, line*

33 to col. 7, line 19).

It would have been obvious to one of ordinary skill of the art having the teaching of

Chack and Stephens at the time the invention was made to modify the system of Chack to

include a means for specifying bandwidth and display parameters for at least one terminal device

of said plurality of terminal devices so that the shared information is displayed appropriately on

the at least one terminal device as taught by Stephens. One of ordinary skill in the art would be

motivated to make this combination in order to determine call configurations in view of

Stephens, as doing so would give the added benefit of assigning a priority to a video call request

based on participants of the video call so that configuration engine considers device reliability

and establishes call configurations for higher priority video calls with more reliable video

devices as taught by Stephens (col. 6, line 54 to col. 7, line 19).

Response to Arguments

8.   Applicant's arguments filed 02/26/07 have been fully considered but they are not

persuasive.

Differences:

a. Applicant argues that **"Chack utilizes a special connection between a telephone and**

a computer, or a computer based telephone, or an ISDN line for the telephone, which our

invention does not require. Our invention has eliminated the need to relay on any

information requesting a URL in the initial call signaling by the first communication

network or any connection between a telephone and the terminal device".

In response to the preceding argument, it is noted that the features upon which

applicant relies (i.e., **not** utilize a special connection between a telephone and a computer, or a

computer based telephone, or an ISDN line for the telephone; **eliminate the need** to relay on any

information requesting a URL in the initial call signaling by the first communication network or

any connection between a telephone and the terminal device) are not recited in the rejected

claim(s). Although the claims are interpreted in light of the specification, limitations from the

specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993).

b. Use of session record and session manager instead of a URL.

A session record equates to database of Chack *(i.e. database of call initiators, col.*

6, lines 11-31).

A session manager equates to transaction processing system 68, web server 72,

Fig. 3.

Note that claim 1 does not recite the limitations "session record <u>without</u> including

a URL", and "session manager <u>without</u> including a URL".

c. The invention does not require that the user already be "logged into the network".

Notably, claim 1 invention does not prohibit "user log into the network".

d. Because we utilize a session record and session manger instead of a resource locator such as a URL, multiple calls can be associated with a single multi-media experience at any point in the conversation, and conferences can be split apart, each with their own associated multi-media experience and then joined together at a later time.

This feature "multiple calls can be associated with a single multi-media

experience at any point in the conversation, and conferences can be split apart, each with their

own associated multi-media experience and then joined together at a later time" was not recite in

the claim language.

e. The session record is not the same as Chack.

The session record equals to database of call initiators of Chack at col. 6, lines 11-

31.

More specifically, according to the instant Specification, [0037], the session record is defined as "to create a session record containing a session identifier and a list of user identifiers".

Similarly, database of call initiators of Chack contains a particular call initiator (i.e. a session identifier of the claim 1 invention), and the call initiator's telephone number or customer (i.e. list of user identifiers of the claim 1 invention). At *col. 6, lines 11-31*, Chack discloses:

> *If step 34 of FIG. 2 identifies a URL request in the incoming call, then the procedure continues to step 38, where the transaction processing system identifies or generates a web page having an associated URL. The URL is associated with the incoming call, thereby associating the web page with the incoming call. The web page identified or generated at step 38 can be based on the call initiator's telephone number, and may be unique to the call initiator. Alternatively, a particular URL may be associated with multiple incoming calls or multiple call initiators (e.g., multiple callers may view the same web page). For example, the transaction processing system can maintain a database of call initiators (e.g., customers of an organization). This database may contain additional information about a particular call initiator, such as account information or prior purchases. This additional information can be used to select a type or category of web page (e.g., a particular product advertisement or other information likely to be of interest to the caller). At step 40, the transaction processing system provides the URL to the telephone call initiator (e.g., via PSTN 12 in FIG. 1).*

Therefore, database of call initiators of Chack reads on the session record of claim 1.

f. Our account refers to a user account for the data sharing service.

The account of Applicant equates to transaction initiator's identity and account information of Chack *(i.e. transaction initiator's identity, col. 2, lines 41-43; account*

information, col. 6, lines 11-31) that is also for the data sharing service *(i.e. multiple callers may*

view the same web page, col. 6, lines 11-31).

It should be noted that the transaction initiator's identity- account information of

Chack consists of call initiator's telephone number, information relating to the purchased

product, this information is used to select users and a web page for sharing view with other caller

(i.e. multiple callers may view the same web page, Chack at col. 6, lines 11-31). This implies

the step of identifying one member of the plurality of users having the same purchases product

for sharing the same web page.

Furthermore, as recited in Abstract, "user account" is to specify which users of

second communication link to joint the specified data communication session; analogously,

Chack's is also to specify which users (i.e. multiple callers may view the same web page, col. 6,

lines 11-31) of second communication link to joint the specified data (i.e. visual data, col. 2,

lines 13-27) communication session (i.e. URL is associated with a second communication

medium, col. 2, lines 44-46). Since the term "account" of Applicant and the term "transaction

initiator's identity- account information" of Chack have the same function, they are equivalent. In

order to distinguish from the teachings of Chack, the claim invention should be amended to

further clarify the Applicants' user account as detailed in Figs. 5A-6B of the Application.

g. Claim 1:

g.a) associating a session record with at least two user accounts, each user

account identifying one member of the plurality of users communicating with one another

on said first communication service, the user account selected from the group consisting of

permanent and temporary user account.

a.1) A plurality of data sharing connections equates to visual data and audio data connection of Chack *(i.e. visual data, col. 2, lines 13-27; URL is associated with a second communication medium, col. 2, lines 44-46; Thus, the transaction initiator is able to communicate with the transaction processing system using both the conventional telephone (for audible information) and the computer (for visual information), col. 3, lines 31-59; multiple callers may view the same web page, col. 6, lines 11-31).*

a.2) A session record equates to database of Chack *(i.e. database of call initiators, col. 6, lines 11-31).*

a.3) At least two user accounts equates to multiple callers of Chack *(i.e. multiple callers may view the same web page, col. 6, lines 11-31).*

a.4) A first communication service equates to a telephone call of Chack *(i.e. the received transaction is a telephone call, col. 2, lines 39-40; the transaction is received on a first communication medium, col. 2, lines 44-46).*

a.5) A plurality of users equates to *multiple callers* of Chack *(i.e. multiple callers may view the same web page, col. 6, lines 11-31).*

a.6) Accounts equates to transaction initiator's identity and account information of Chack *(i.e. transaction initiator's identity, col. 2, lines 41-43; account information, col. 6, lines 11-31).*

a.7) Data communication service equates to service of visual and audio data of Chack *(i.e. visual data, col. 2, lines 13-27; URL is associated with a second communication medium, col. 2, lines 44-46; Thus, the transaction initiator is able to communicate with the transaction processing system using both the conventional telephone (for*

audible information) and the computer (for visual information), col. 3, lines 31-59; multiple

callers may view the same web page, col. 6, lines 11-31).

a.8) At least two user accounts equates to multiple callers of Chack *(i.e.*

multiple callers may view the same web page, col. 6, lines 11-31)

a.9) Said data communication service distinct from the first

communication service

It should be noted that data communication service is visual data with a second

communication medium *(i.e. visual data, col. 2, lines 13-27; URL is associated with a second*

communication medium, col. 2, lines 44-46), and the first communication service is a telephone

call *(i.e. the received transaction is a telephone call, col. 2, lines 39-40; the transaction is*

received on a first communication medium, col. 2, lines 44-46). Therefore, the data

communication service distinct from the first communication service.

a.10) Permanent user account equates to account information of Chack

(i.e. account information, col. 6, lines 11-31).

a.11) Temporary user account equates to the purchases information of

Chack *(i.e. prior purchases information, col. 6, lines 11-31).* It should be noted the prior

purchases information could understood as temporary user account since he/she did purchase a

particular product but has not created an account *(See Chack, col. 6, lines 11-31; such as account*

information or prior purchases).

a.12) Each user account identifying one member of the plurality of users

(i.e. multiple callers may view the same web page, col. 6, lines 11-31).

It should be noted that a user account of Chack consists of information relating to the purchased product, this information is used to select a web page for sharing view with other caller *(i.e. multiple callers may view the same web page, Chack at col. 6, lines 11-31)*. This implies the step of identifying one member of the plurality of users having the same purchases product for sharing the same web page.

As recited in Abstract, "user account" is to specify which users of second communication link to joint the specified data communication session; analogously, Chack's is also to specify which users (i.e. multiple callers may view the same web page, col. 6, lines 11-31) of second communication link to joint the specified data (i.e. visual data, col. 2, lines 13-27) communication session (i.e. URL is associated with a second communication medium, col. 2, lines 44-46). Since the term "account" of Applicant and the term "transaction initiator's identity-account information" of Chack have the same function, they are equivalent.

Notably, in response to Applicants argument that "user account of Applicant is different from the one of Chack. The Applicant account is agnostic with respect to a vendor's sales/service account for a customer. The Applicant description of a user account illustrates the account a purely a means of discovering or initiating data sharing sessions from a terminal device, or by initiating a data sharing session and associating the unique identifier from the first communication service's call setup signaling as a member of the session. It would also support session related signaling to facilitate data sharing features", the examiner submits that even though the Examiner recognizes that the user account of Applicant is different from the one of Chack in such details, their functions are similar, which is for the data sharing service as recited in the claimed limitation.

Applicant is reminded that it is proper to use the specification to interpret what the

Applicant meant by a word or phrase recited in the claim. However, it is not proper to read

limitations appearing in the specification into the claim when these limitations are not recited in

the claim. Therefore, it would not be proper for the examiner to give words of the claim special

meaning when no such special meaning has been defined by the Applicant in the claim language.

Thus, the Examiner's interpretation of the claim scope is consistent with term used.

Applicant argues that the invention does not require the type of interconnection (as

discloses in Chack Reference) between the telephone and a computer (See Page 5).

Note that the claimed limitation does not recite the exception of not requiring the

type of interconnection between the telephone and a computer.

Applicant argues that the invention discloses creation of temporary accounts for

purposes of establishing data sharing connections is not the same type of account as

vendors customer account, and is not the same as generating a different URL for a

particular customer.

The claim language should be amended to specify the "creation of temporary

accounts for purposes of establishing data sharing connections is not the same type of account as

vendors customer account, and is not the same as generating a different URL for a particular

customer" in order to distinguish from the teaching of Chack.

g.b) identifying said session record for at least one data sharing connection

between a software process acting in behalf of a terminal device on said data

communication service and a session manager, the association based upon an account

identifier provided through said software process and corresponding to at least one user of

the terminal, thereby establishing the data sharing connections for the at least one software

process.

b.1) One data sharing connection equates to visual data and audio data

connection of Chack *(i.e. visual data, col. 2, lines 13-27; URL is associated with a second*

communication medium, col. 2, lines 44-46; Thus, the transaction initiator is able to

communicate with the transaction processing system using both the conventional telephone (for

audible information) and the computer (for visual information), col. 3, lines 31-59; multiple

callers may view the same web page, col. 6, lines 11-31).

b.2) A session manager equates to transaction processing system 68, web

server 72, Fig. 3.

b.3) A terminal device equates to computer 20, telephone 10 or devices of

Chack *(i.e. The present invention is related to a system for communicating information,*

including visual data, between two devices or individuals, col. 2, lines 13-27; A computer 22 is

coupled to network 20 and telephone 10. The coupling between computer 22 and telephone 10

may be a physical connection (e.g., a serial communication link) or a logical connection (e.g.,

through a common interface device coupled to telephone 10, computer 22, and network 20).

Computer 22 is capable of communicating information across network 20 and communicating

with telephone 10, col. 4, line 65 to col. 5, line 14).

b.4) A software equates to a software-based telephone of Chack *(i.e. Other*

embodiments of the invention use a software-based telephone implemented by computer 22,

thereby eliminating the need for a separate telephone 10, col. 4, line 65 to col. 5, line 15).

b.5) Account identifier equates to call initiator's telephone number; unique to the call initiator; customers of an organization of Chack, col. 6, lines 11-31.

Applicant argues that a URL identified or generated is not the same as establishing a session record in a session manage and associating it with a user account and unique identifier.

The claim language does not fully reflect the nature and structure/function of such a process. Applicant should amend the claimed limitation to describe a session record, a session manager, a user account more in details, as shown in Figs. 5A, 5B, 6A, 6B of Specification in order to distinguish from the teaching of Chack.

Applicant argues that Applicant's invention works with POTS telephone that are in no way coupled with the computer used for display; and not require coupling the telephone device with the computer; not provide for a separate session management function that can be utilized when the user is not logged into the data communication service".

The limitations "POTS telephone", or "not require coupling the telephone device with the computer", ... do not recite in the claim invention.

g.c) associating the session record with information to be conveyed across said data communication service to the at least one terminal device.

c.1) data communication service equates to service of visual and audio data of Chack *(i.e. visual data, col. 2, lines 13-27; URL is associated with a second communication medium, col. 2, lines 44-46; Thus, the transaction initiator is able to communicate with the transaction processing system using both the conventional telephone (for*

audible information) and the computer (for visual information), col. 3, lines 31-59; multiple

callers may view the same web page, col. 6, lines 11-31).

c.2) at least one terminal device equates to computer 20, telephone 10 or

devices of Chack *(i.e. The present invention is related to a system for communicating*

information, including visual data, between two devices or individuals, col. 2, lines 13-27; A

computer 22 is coupled to network 20 and telephone 10. The coupling between computer 22 and

telephone 10 may be a physical connection (e.g., a serial communication link) or a logical

connection (e.g., through a common interface device coupled to telephone 10, computer 22, and

network 20). Computer 22 is capable of communicating information across network 20 and

communicating with telephone 10, col. 4, line 65 to col. 5, line 14).

Applicant's argument that the user of Applicant's invention need not to be logged in

through the data communication network when the call is initiated is irrelevant as this

feature is not recited in the claim invention.

g. d) sending the information over the at least one data sharing connection,

each connection associated with said session record.

d.1) sending the information equates to transaction process of Chack *(i.e.*

visual data, col. 2, lines 13-27; URL is associated with a second communication medium, col. 2,

lines 44-46; Thus, the transaction initiator is able to communicate with the transaction

processing system using both the conventional telephone (for audible information) and the

computer (for visual information), col. 3, lines 31-59).

It should be noted that the transaction process could include both audible and

visual information.

Applicant's argument regarding the data sharing of Applicant's invention allows for bi-directional visual presentation; allows a more symmetric and synchronous form of sharing visual information, has been considered but it is not persuasive as these limitations are not stated in the claim invention.

g.e whereby a plurality of users will receive the information sent by at least one user over the data communication service while they remain connected to each other on the first communication service.

e.1) the information sent by at least one user equates to transaction process of Chack *(i.e. visual data, col. 2, lines 13-27; multiple callers may view the same web page, col. 6, lines 11-31; URL is associated with a second communication medium, col. 2, lines 44-46; Thus, the transaction initiator is able to communicate with the transaction processing system using both the conventional telephone (for audible information) and the computer (for visual information), col. 3, lines 31-59).*

e.2) remain connected to each other equates to telephone call communication of Chack *(i.e. visual data, col. 2, lines 13-27; multiple callers may view the same web page, col. 6, lines 11-31; URL is associated with a second communication medium, col. 2, lines 44-46; Thus, the transaction initiator is able to communicate with the transaction processing system using both the conventional telephone (for audible information) and the computer (for visual information), col. 3, lines 31-59).*

h. Claim 13:

first means for associating a session identifier with the at least two user accounts, each user account identified by a user account identifier.

First means equates to transaction processing system 68, and web server 72, Fig. 3.

A session identifier equates to a particular call initiator of Chack, See col. 6, lines 11-31.

Account identifier equates to call initiator's telephone number; unique to the call initiator; customers of an organization of Chack, col. 6, lines 11-31.

terminal software means for establishing a connection on a data communication network between at least one terminal device and a session manager, said connection providing an account identifier, thereby establishing session access for the at least one terminal device.

A session manager equates to transaction processing system 68, and web server 72, Fig. 3.

Account identifier equates to call initiator's telephone number; unique to the call initiator; customers of an organization of Chack, col. 6, lines 11-31.

A terminal device equates to computer 20, telephone 10 or devices of Chack *(i.e. The present invention is related to a system for communicating information, including visual data, between two devices or individuals, col. 2, lines 13-27; A computer 22 is coupled to network 20 and telephone 10. The coupling between computer 22 and telephone 10 may be a physical connection (e.g., a serial communication link) or a logical connection (e.g., through a common interface device coupled to telephone 10, computer 22, and network 20). Computer 22 is capable of communicating information across network 20 and communicating with telephone 10, col. 4, line 65 to col. 5, line 14).*

session manager means for routing the selected information over the data sharing connections to the terminal devices associated with the same session identifier, whereby information can be shared among said plurality users of a data communication network, while the users communicate on the first communication network.

A session manager equates to transaction processing system 68, and web server 72, Fig. 3

A session identifier equates to a particular call initiator of Chack, See col. 6, lines 11-31.

i. Claim 3:

Application argues that the Applicant's invention refers to transforming the same visual information that is display on one terminal device can be decoded and recoded, to suite the requirements of another display device, however, this limitation is not stated in the claim invention.

j. Claim 4:

Application argues that the Applicant's invention allows the end of the telephone to cause the end of the data sharing capability but this limitation is not stated in the claim invention.

k. Claim 6:

Applicant argues that how the browser is used to retrieve web pages while talking to an agent on the telephone.

Chack teaches this limitation as "the transaction initiator is able to communicate

with the transaction processing system using both the conventional telephone (for audible

information) and the computer (for visual information)" (See col. 3, lines 31-59).

l. Claim 7:

Applicant argues that Chack only teaches the first communication service is

accessed through a plurality of networks.

Chack teaches the first communication service as a first communication medium

(i.e. the received transaction is a telephone call, col. 2, lines 39-40; the transaction is received

on a first communication medium, col. 2, lines 44-46).

Chack teaches second communication service as a second communication

medium *(i.e. visual data, col. 2, lines 13-27; URL is associated with a second communication*

medium, col. 2, lines 44-46; multiple callers may view the same web page, col. 6, lines 11-31).

m. Claim 8:

Applicant argues that Chack does not teach television broadcast networks or

wireless network packet network.

Firstly, Chack this limitation as other communication mechanism at col. 4, lines

46-64. Secondly, claim 8 recites "selected from the group consisting of", therefore, Chack reads

on the claimed limitation dial-up data networks and broadband connections at col. 4, line 46 to

col. 5, line 15.

n. Claim 9: The combination of Chack and Moynihan.

Applicant seems to be questioning whether the Chack and Moynihan references

are combinable, however, the fact that applicant has recognized another advantage which would

flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

As detailed in the Office Action, the two references are directed to the same field as method and apparatus for communicating information as audio and visual in network environment. Chack teaches all limitations of claim 1, except the data communication service is a television narrowcast service transmitting signals for display on a television over a digital network selected from the group consisting of a plurality of cable networks, satellite television networks, and low power wireless television networks. Moynihan teaches this limitation in paragraph 0014. It would have been obvious to one of ordinary skill of the art having the teachings of Chack and Moynihan to apply the television narrowcast service of Moynihan to the system of Chack in order to allow the producer to edit and market the original content in view of Moynihan, as doing so would give the added benefit enable the owner of the intellectual property to protect it through a password and thus earn a return on the original production costs as taught by *Moynihan ([0014]).*

o. Claim 10:

Applicant argues that Moynihan does not teach account identifier is automatically provided through the data communication service when the television is tuned to a specific channel.

Account identifier equates to "people have already signed up for this service" in [0015].

The television is tuned to a specific channel equates to "search for channels" in [0036].

p. Claim 14:

Applicant argues that Chack do not mention an interactive voice response system that allows touch-tones or other inputs through the first communication service that results in the sending of response over the second communications networks.

The limitation "touch-tones" does not state in the claim invention.

Inputs through the first communication service equates to a first communication medium *(i.e. the received transaction is a telephone call, col. 2, lines 39-40; the transaction is received on a first communication medium, col. 2, lines 44-46).*

Sending of response over the second communications networks equates to a second communication medium *(i.e. visual data, col. 2, lines 13-27; URL is associated with a second communication medium, col. 2, lines 44-46; multiple callers may view the same web page, col. 6, lines 11-31).*

q. Claim 15:

As discussed thoroughly in the previous paragraphs, combining means for specifying bandwidth or other device parameters with our invention is <u>not</u> different than combining it with Chack et al. since the instant invention cannot be differ from Chack's in the use of a session manager to eliminate certain restrictions.

r. Claim 16:

Applicant argues that Chack does not teach de-active a session identifier.

De-active a session identifier equates to log out, col. 11, line 62 to col. 12, line 64.

s. Claim 17:

Applicant argues that Chack does not teach a history of the information shared.

It should be noted that the history of the information shared equates to the product information of prior purchases, this information are used to select a type of or category of web page for view sharing *(i.e. multiple callers may view the same web page, col. 6, lines 11-31; This database may contain additional information about a particular call initiator, such as account information or prior purchases. This additional information can be used to select a type or category of web page (e.g., a particular product advertisement or other information likely to be of interest to the caller). At step 40, the transaction processing system provides the URL to the telephone call initiator (e.g., via PSTN 12 in FIG. 1), col. 6, lines 11-31).*

The history also equates to table of customer of Chack in col. 7, lines 9-24 *(i.e. The organization maintains a table of such customers based on the customer's telephone number, account number, or other identifying information. If the transaction processing system receives a call from a customer listed in the table, then the transaction processing system automatically provides a URL to the customer. Thus, the customer does not need to request a URL each time a call is placed to the organization, col. 7, lines 9-24).*

t. Claim 18:

Applicant argues that Chack does not teach re-activing a session identifier when re-establishing communication through the first communication service.

It should be noted that Chack discloses a table for storing the customer's information after the first call of a customer or user for requesting a URL, for the next time after logging out, the customer or user of Chack has call again for a URL, at this time the transaction

processing system automatically provides a URL to the customer, this call (i.e. re-establishing of

claim invention) is performed through the first communication *(i.e. The organization maintains a*

table of such customers based on the customer's telephone number, account number, or other

identifying information. If the transaction processing system receives a call from a customer

listed in the table, then the transaction processing system automatically provides a URL to the

customer. Thus, the customer does not need to request a URL each time a call is placed to the

organization, col. 7, lines 9-24).

For the reasons set forth above, the claimed invention as represented in the claims

does not represent a patentable over the art of record. Applicant is encouraged to amend the

claims to better reflect what applicant intends to claim as the invention.

Conclusion

9.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (571) 272-4112. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.
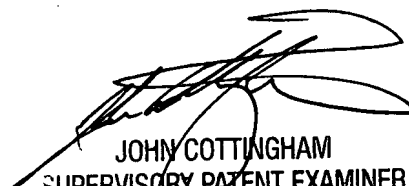
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham, can be reached on (571) 272-7079. The fax number to this Art Unit is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Miranda Le
September 18, 2007

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